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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,357	02/13/2002	Fanie Retief Van Heerden	013306-5001-02US	5958

9629 7590 07/14/2004

MORGAN LEWIS & BOCKIUS LLP  
1111 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20004

EXAMINER
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KHARE, DEVESH

ART UNIT	PAPER NUMBER
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1623

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Abandonment**

Application No.

10/073,357

Examiner

Devesh Khare

Applicant(s)

VAN HEERDEN ET AL.

Art Unit

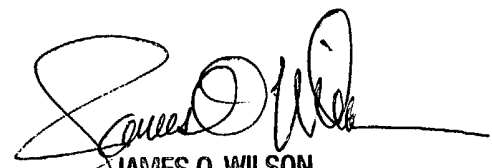
1623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☒ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

An Express Abandonment has been received by fax.



JAMES O. WILSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

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**FAX MESSAGE**

**Send To:**

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FAX Number: 1.571.273.0547

Firm: U.S. Patent & Trademark Office

Telephone Number: 1.571.272.0547

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**From:**

Name: Gregory T. Lowen, Ph.D.

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**Re:** U.S. Patent Application No. 10/073,357  
Inventors: Fanie Retief Van Heerden *et al*  
Filed: February 13, 2002  
For: *Pharmaceutical Compositions Having Appetite Suppressant Activity*  
Group Art Unit: 1623  
Examiner: D. Khare  
Our Reference: 060616.5001-02-US

Per Erich Veitenheimer's conversation with Examiner Devesh Khare, attached are copies of the Certificate of Transmission under 37 C.F.R. 1.8 and Express Abandonment under 37 C.F.R. 1.138 previously transmitted on June 24, 2004. If you have any questions, please don't hesitate to contact us.

Appl. for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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<b>EXPRESS ABANDONMENT UNDER 37 CFR 1.138</b>		Docket Number: 060616-5001-02-US
In re Application of: Fanie Retief Van Heerden et al.		
To: Assistant Commissioner for Patents Washington, DC 20231	Application Number: 10/073,357	Filed: February 13, 2002
	For: PHARMACEUTICAL COMPOSITIONS HAVING APPETITE SUPPRESSANT ACTIVITY	
	Group Art Unit: 1623	Examiner: Devash Khare

Please check only one of boxes 1-3 below:

(If no box is checked, this paper will be treated as a request for express abandonment as of the filing date of this paper.)

1. ☐ **Express Abandonment**  
I request that the above-identified application be expressly abandoned as of the filing date of this paper.
2. ☒ **Express Abandonment in Favor of a Continuing Application**  
I request that the above-identified application be expressly abandoned as of the filing date accorded the continuing application filed on June 22, 2004.
3. ☐ **Petition for Express Abandonment to Avoid Publication under 37 CFR 1.138(c)**  
I hereby petition to expressly abandon the above-identified application to avoid publication.

NOTE: The application will be published in regular course unless the petition is recognized by the Pre-Grant Publication Division in sufficient time to avoid publication (e.g., more than four (4) weeks prior to the projected publication date).

Petition Fee - must be filed with petition to avoid delays in recognizing the petition.

- ☒ The Commissioner is hereby authorized to charge the petition fee under 37 CFR 1.17(h) to Deposit Account No. 50-0310.

Fax the petition directly to the Pre-Grant Publication Division at (703) 305-8568 or  
Mail the petition to the above address directed to Box PGPub-ABD.

NOTE: A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes the paper. See MPEP 711.01. In addition, the paper will not stop publication of the application unless a petition under 37 CFR 1.138(c) is recognized by the Pre-Grant Publication Division in sufficient time to avoid publication.

I am an attorney or agent of record.

Erich E. Veitenheimer

Signature

June 24, 2004

Date

Erich E. Veitenheimer, Reg. No. 40,420

Typed or printed name

\*Note: Signatures of all the inventors or assignees of record of the entire interest or their representatives(s) are required. Submit multiple forms if more than one signature is required. See below\*.

\*☐ Total of two forms are submitted.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

1-WA/2103887.1

1-WA/2213308.1

PTO/SB/97 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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### Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office

on June 24, 2004.

Date

  
Signature

Erich E. Veitenheimer - Reg. No. 40,420  
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Express Abandonment under 37 CFR 1.138

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I-WA/2211039.1